

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ABSHIR H.A.,

Plaintiff,

v.

**ORDER**

Civil File No. 19-21 (MJD/DTS)

ANDREW SAUL,  
Commissioner of Social Security,

Defendant.

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James H. Greeman, Greeman Toomey, Counsel for Plaintiff.

Marisa Silverman, Special Assistant U.S. Attorney, Counsel for Defendant.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated February 3, 2020. Defendant Andrew Saul, Commissioner of Social Security, filed a limited objection to the Report and Recommendation requesting that the Court “order a more general direction so that on remand the administrative law judge (ALJ) can properly consider additional evidence and make a finding about Listing 12.03(C)(1) that reflects the record as a whole at the time of the ALJ’s new decision.” (Objection at 1.)

Pursuant to statute, the Court has conducted a de novo review upon the record of that portion of the Report & Recommendation to which Defendant objects. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge Schultz dated February 3, 2020. The Court overrules Defendant's objection.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge David T. Schultz dated February 3, 2020 [Docket No. 18].
2. Plaintiff Abshir H.A.'s Motion for Summary Judgment [Docket No. 11] is **GRANTED IN PART** and the matter is **REMANDED** back to the Commissioner of Social Security for further consideration consistent with this Order and the Report and Recommendation.
3. Defendant Andrew Saul's Motion for Summary Judgment [Docket No. 16] is **DENIED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: March 11, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court